

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION SEP 08 2003

FILED

In the Matter of:

AN INVESTIGATION PURSUANT TO KRS )  
278.260 OF THE EARNINGS SHARING )  
MECHANISM TARIFF OF KENTUCKY ) CASE NO. 2003-00334  
UTILITIES COMPANY )

AND

AN INVESTIGATION PURSUANT TO KRS )  
278.260 OF THE EARNINGS SHARING )  
MECHANISM TARIFF OF LOUISVILLE ) CASE NO. 2003-00335  
GAS AND ELECTRIC COMPANY )

LG&E

MOTION OF  
LOUISVILLE GAS AND ELECTRIC COMPANY  
AND KENTUCKY UTILITIES COMPANY  
TO AMEND PROCEDURAL SCHEDULE AND  
FOR LEAVE TO FILE REBUTTAL TESTIMONY

On September 4, 2003, the Kentucky Public Service Commission ("Commission") initiated investigations of the revised tariff filings of Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") to continue their respective Earnings Sharing Mechanism ("ESM") for an additional three year period. In its Order, the Commission also established a procedural schedule for the proceedings.

LG&E and KU now request that the Commission alter the procedural schedule established in its Order of September 4, 2003 and instead adopt the following dates:

Requests for information by KU and LG&E to  
BWG shall be filed no later than.....9/17/03

BWG shall file its responses to KU and LG&E  
requests for information no later than.....10/01/03

Requests for information by Intervenors and Staff  
to BWG shall be filed no later than.....10/06/03

KU and LG&E shall file direct testimony in  
verified prepared form no later than .....10/15/03

BWG shall file its responses to requests for  
information by Intervenors and Staff no later than.....10/20/03

Requests for information to KU and LG&E shall  
be filed no later than.....10/29/03

KU and LG&E shall file responses to requests  
for information no later than .....11/12/03

Intervenors' testimony, if any, shall be filed in  
verified prepared form no later than .....11/26/03

Requests for information to Intervenors  
shall be filed no later than .....12/10/03

Intervenors shall file responses to requests  
for information no later than .....12/30/03

Rebuttal Testimony of LG&E and KU shall be  
filed in verified prepared form no later than.....1/08/04

Last day for KU and LG&E to give notice of public hearing..... To be scheduled

Public Hearing, if necessary, for the purpose of  
cross-examination of witnesses ..... To be scheduled

The proposed amendments to the procedural schedule in these proceedings will allow LG&E and KU five additional days in which to file their information requests without prejudicing the rights of the other parties. This short extension of time is necessary due to the conflicting schedules and regulatory workload of key personnel in order to prepare testimony in

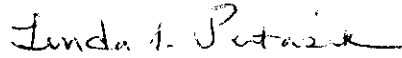
the MISO investigation in Case No. 2003-00266 due on September 22, 2003. Further, the size and volume of the Final Report of the Barrington-Wellesley Group, Inc. also merits additional time in which to prepare information requests.

The amendment to the procedural schedule will also permit LG&E and KU to file rebuttal testimony. Without leave to file rebuttal testimony, the procedural schedule in this case does not provide LG&E and KU with a meaningful opportunity to present evidence on any new issues raised by testimony filed by intervenors. See Utility Reg. Com'n. v. KY Water Service Co., Ky. App., 642 S.W.2d 591, 593 (1982) (due process entitles parties to have “an opportunity to test, explain or refute” evidence). The prefiling of rebuttal testimony by LG&E and KU will allow the Commission to more narrowly define the relevant issues and diminish the likelihood for a protracted, contentious hearing. This motion is not made for the purpose of unduly delaying the proceeding and will not prejudice the ability of the Commission to proceed with its review of LG&E’s and KU’s revised ESM tariff filings.

**WHEREFORE**, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request the Commission to issue an order amending the procedural schedule for these proceedings consistent with this pleading.

September 8, 2003

Respectfully submitted,



---

Kendrick R. Riggs  
Allyson K. Sturgeon  
OGDEN NEWELL & WELCH PLLC  
1700 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
Telephone: (502) 582-1601

Linda S. Portasik  
Senior Corporate Attorney  
Louisville Gas and Electric Company  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232  
Telephone: (502) 627-2557

Counsel for Louisville Gas and Electric Company  
and Kentucky Utilities Company

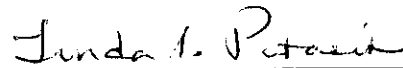
**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served via U.S. mail, first-class, postage prepaid, this \_\_\_ day of September, 2003.

Elizabeth A. Blackford, Esq.  
Assistant Attorney General  
Office for Rate Intervention  
1024 Capital Center Drive  
Frankfort, KY 40601

Michael L. Kurtz, Esq.  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 2110  
Cincinnati, OH 45202

Michael A. Laros  
Managing Director/Co-President  
Barrington-Wellesley Group, Inc.  
2479 Lanam Ridge Road  
Nashville, Indiana 47448

  
\_\_\_\_\_  
Counsel for Louisville Gas and Electric  
Company and Kentucky Utilities Company